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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

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ORIGINAL APPLICATION NO. 314 OF 1987.

Date of decision .. January 4, 1988.

Khagendra Nath Mandal,
son of late Ramachandra Mandal,
at present working as Senior
Postmaster, Cuttack G.P.O.,
Town and District- Cuttack.

... Applicant.

Versus

1. Union of India,
represented by the Secretary,
Posts, Dak Bhavan, New Delhi- 110 001.
2. Postmaster General, Orissa Circle,
At, P.O. Bhubaneswar, Dist- Puri.

... Respondents.

M/s Devanand Misra,
Deepak Misra,
A. Deo, S.S. Hota &
R.N. Naik, Advocates

.. For Applicant.

Mr. A.B. Misra, Sr. Standing
Counsel (Central)

.. For Respondents.

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

1. Whether local reporters have been permitted to see the judgment ? Yes .
 2. To be referred to the Reporters or not ? No
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.
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J U D G M E N T

K .P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, initiation of proceeding under Rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 against the applicant is under challenge.

2. Shortly stated , the case of the applicant is that he was the Superintendent of Post Offices (Officiating) stationed at Balasore. As a disciplinary authority, in the year 1986, the applicant adjudicated certain disciplinary proceeding initiated against ^athe Time Scale Clerk Sri K.C. Mohanty and while passing final orders, it was alleged against the applicant that he had not imposed major penalty and therêby grossly misconducted himself. The present applicant was punished for such allegation and the applicant came up before this Bench to quash the punishment which formed subject-matter of O.A. 123/87. By our judgment dated 7.8.1987, we allowed the application after quashing the proceeding. On 10.9.1987 the applicant was given promotion to the post of Senior Postmaster, Cuttack on ad hoc basis which was a post equivalent to Superintendent of Post Offices. After the applicant joined the promotional post, a chargesheet was delivered to the petitioner on 21.10.1987 alleging that he had misconducted himself by making purchases for his office and had exceeded the financial powers vested in him under the rules. Hence, another proceeding under Rule 16 was initiated against the applicant to show cause

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as to why a minor penalty would not be imposed against him. On 3.11.1987 the applicant has been ordered to be reverted to his former substantive post i.e, Post Master and accordingly the applicant has been transferred to work as Postmaster in Puri Head Post Office. This order of reversion has also been challenged and formed subject-matter of O.A. 308/87 which was partly ^{heard} ~~allowed~~ today and has been adjourned because of the conclusions we propose to arrive at in this case.

3. During course of argument advanced by learned counsel for both sides, it was told to us that the applicant has in the meanwhile submitted his explanation to the Post Master General in connection with the disciplinary proceeding initiated against him for imposition of minor penalty. The only thing that is necessary to be done now is disposal of the said proceeding. Result of this proceeding very much depends on the adjudication of the rights of the applicant in O.A. 308/87. After giving our anxious consideration to the arguments advanced at the Bar, we feel for the expedient ends of justice, ^{that} this proceeding should be soon disposed of. We would, therefore, request the Post Master General, Orissa to make it convenient to dispose of the proceeding preferably within 20.1.1988 and we would consider this as a help rendered to this Bench by the Post Master General enabling us for expeditious disposal of O.A. 308/87. We hope and trust that the Post Master General would make some time to dispose of the proceeding within the period indicated above.

4. Before we part with this case, we may observe

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that Mr. Deepak Misra, learned counsel for the applicant has assured us that in no circumstance the applicant would ask for any adjournment from the Post Master General and in case the applicant asks for any adjournment it may be rejected by the Post Master General in regard to which the applicant would not claim any prejudice in future. In addition to the above, it was also told by Mr. Deepak Misra that the Post Master General may be requested to give a single opportunity to the applicant to lay his grievances before the Post Master General personally in regard to the matters agitated in his explanation. We have no objection. We would request the Post Master General to consider the possibility of giving a personal hearing to the applicant and in case the Post Master General deems it fit and proper to give a personal hearing to the applicant, the date and time may be intimated to the applicant in his official address.

5. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

[Signature]
4.1.88
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Member (Judicial)

B.R. PATEL, VICE CHAIRMAN, *g agree.*

[Signature]
4.1.88
.....
Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench.
January 4, 1988/Roy SPA.